

5



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,365	06/30/2003	Bing Wang	08212/0200295-US0	3172
38879	7590	12/29/2006		
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-6257			EXAMINER CHOJNACKI, MELLISSA M	
			ART UNIT	PAPER NUMBER
			2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/611,365

Applicant(s)

WANG ET AL.

Examiner

Mellissa M. Chojnacki

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.


SAM RIMELL
PRIMARY EXAMINER

DETAILED ACTION

Remarks

1. In response to communications filed on September 28, 2006, no claims are cancelled; claims 1, 13, 18, 21, 29-31, and 34-35 have been amended, and no new claims have been added. Therefore, claims 1-37 are still presently pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 13, and 21 are not limited to a method that runs on a medium. As such, the claim is not limited to statutory subject matter and is therefore non-statutory. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are

Art Unit: 2164

nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Claims 2-12, 14-20 and 22-28 are rejected under 35 U.S.C. 101 because they are dependent upon rejected independent claims 1, and 11.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12, 29, and 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 29, and 35 disclose "creating an urgent update notification" and "receiving a reply to the UNN", which renders the claim vague and indefinite, because it is unclear who or what or where the UNN is being created? It is also unclear what is meant by "receiving a reply". What type of reply is it? Is it the connection to the "update server"? The examiner is not sure what is meant by "reply" and the specification mentions no "reply".

Art Unit: 2164

Claims 2-12, and 36-37 are rejected under 35 U.S.C. 101 because they are dependent upon rejected independent claims 1, 29, and 35.

Claim Objections

6. Claims 1-37 are objected to because of the following informalities:

Claims 1 and 13 recite the limitation "A method **for**", which defines the claim language as "intended use" (See MPEP § 2111.04). Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests changing "**for**" to "**to**".

Claims 2-12, and 14-19 are rejected under 35 U.S.C. 101 because they are dependent upon rejected independent claims 1, and 13.

Claim 21 recites the limitation "A system **for**", which defines the claim language as "intended use" (See MPEP § 2111.04). Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests changing "**for**" to "**to**".

Claims 22-28 are rejected under 35 U.S.C. 101 because they are dependent upon rejected independent claim 21.

Claims 29 and 30 recite the limitation "A apparatus **for**", which defines the claim language as "intended use" (See MPEP § 2111.04). Therefore, the claim language

Art Unit: 2164

suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests changing **“for”** to **“to”**.

Claims 7 and 24 recite the limitations “enabling” and “to enable”, which define the claim language as “intended use” (See MPEP § 2111.04). Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure.

Claims 12 and 20 recite the limitations “is operable” and “operable to”, which define the claim language as “intended use” (See MPEP § 2111.04). Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure.

Claim 25 recites the limitation **“for updates”**, which defines the claim language as “intended use” (See MPEP § 2111.04). Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests changing **“for”** to **“to”**.

Claims 31-32 and 36 recite the limitation “to enable”, which defines the claim language as “intended use” (See MPEP § 2111.04). Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure.

Claims 32 and 37 recite the limitation **“for execution”**, which defines the claim language as “intended use” (See MPEP § 2111.04). Therefore, the claim language

Art Unit: 2164

suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests changing “for” to “to”.

Claims 3, and 14 recite the limitation “specific format”, which defines the claim language as vague and indefinite because it is unclear what “specific format ” signifies in the claim.

Claims 5, and 16 recite the limitations “it” and “special format”, which defines the claim language as vague and indefinite because it is unclear what “it” and “special format” signify in the claim.

Claims 4 and 15, recite the abbreviation “SMTP”, which needs to be spelled out, in at least one claim.

Independent claims 13, 29, 30, 31 and 35, recites the abbreviation “UUN”, which needs to be spelled out, at least once with in the claim language.

7. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation “in response to determining”. There is insufficient antecedent basis for these limitations in the claim. There is no step of determining within the claim language. Correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

SL ~~(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.~~

9. Claims 1-7, 12-18, 20-21, 23, 28-31, 34-35 and 37 are rejected under 35

SL U.S.C. 102(b) as being anticipated by Seshadri et al., (U.S. Patent Application Publication No. 2004/0002958).

As to claim 1, Seshadri et al. teaches a method for updating network appliances (See abstract; paragraph 0142; paragraph 0406), comprising: determining an urgent update (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446); creating an urgent update notification (UUN) associated with the urgent update (See paragraphs 0008-009; paragraphs 0083); sending the UUN to the network appliances as messages (See paragraph 0093); receiving a reply to the UUN from at least one of the network appliances (See paragraph 0078; paragraph 0604); and providing the urgent update to at least one of the network appliances in response to the reply (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claims 2, and 23, Seshadri et al. teaches wherein sending the UUN to the network appliances as messages further comprises sending the messages through

Art Unit: 2164

specific message ports of the network appliances (See paragraph 0093; paragraph 0678; paragraph 0682); wherein the update server is further configured to send the UUN as a message to each network appliance through a specific message port (See paragraph 0093; paragraph 0678; paragraph 0682); wherein the network appliance comprises a message port arranged to receive messages, including messages comprising an UUN (See paragraph 0093; paragraph 0678; paragraph 0682).

As to claims 3 and 14, Seshadri et al. teaches wherein at least one of the network appliances is a message protector configured to protect messages of a specific protocol, and wherein at least one of the messages is conformed to that specific protocol and at least one of the message ports is dedicated to that protocol (See paragraph 0093; paragraph 0678; paragraph 0682); wherein the message conforms to a specific protocol and is received through a message port dedicated to that protocol (See paragraph 0093; paragraph 0678; paragraph 0682).

As to claims 4 and 15, Seshadri et al. teaches wherein at least one of the messages is a SMTP conformed message and at least one of the message ports is port 25 (See paragraph 0093; paragraph 0678; paragraph 0682); wherein the protocol includes a SMTP protocol and the message port includes port 25 (See paragraph 0093; paragraph 0678; paragraph 0682).

As to claims 5 and 16, Seshadri et al. teaches wherein each message includes a special format that distinguishes it from normal messages (See paragraph 0014; paragraph 0091; paragraph 0146).

As to claims 6 and 17, Seshadri et al. teaches wherein the special format includes at least one of a special header, a special subject line, and special content in the body of the message (See paragraph 0014; paragraph 0091; paragraph 0146).

As to claims 7, 18 and 28, Seshadri et al. teaches wherein providing the urgent update to the network appliances comprises enabling the network appliances to obtain a log that includes the urgent update (See paragraph 0077; paragraph 0185); wherein obtaining the urgent update from the server comprises obtaining a log that includes the urgent update (See paragraph 0077; paragraph 0185); a network appliance configured to access the log to obtain the updates (See paragraph 0077; paragraph 0185).

As to claim 12, Seshadri et al. teaches wherein the method is operable on at least one of a server, a network appliance, and a dedicated platform (See abstract; paragraphs 0006-0007; paragraph 0013; paragraph 0065).

As to claim 13, Seshadri et al. teaches a method for obtaining updates, comprising: receiving a message (See abstract; paragraph 0142; paragraph 0406); in response to determining that the message includes an UUN associated with an urgent

Art Unit: 2164

update (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446), establishing a connection with a server (See paragraph 0006; paragraph 0680); pulling the urgent update from the server (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604); and installing the urgent update (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claim 20, Seshadri et al. teaches wherein the method is operable on at least one of a server, a network appliance, a router, a switch, and a firewall (See abstract; paragraph 0010; paragraph 0012; paragraph 0065).

As to claim 21, Seshadri et al. teaches a system for managing a network (See abstract), comprising: an update server configured to determine updates and to provide the updates to network appliances (See abstract; paragraph 0142; paragraph 0406), the update servers being further configured to determine an update that is urgent and to send an UUN about the urgent update to each network appliance (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446); a network appliance configured to periodically obtain updates from the update server (See paragraph 0093; paragraph 0678; paragraph 0682), the network appliance being further configured to receive from the update server an UUN associated with an urgent update and to pull the urgent update from the update server in response to the received UUN (See abstract;

Art Unit: 2164

paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claim 29, Seshadri et al. teaches an apparatus for providing updates to network appliances (See abstract; paragraph 0142; paragraph 0406), comprising: means for determining an urgent update (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446); means for creating an UUN associated with the urgent update (See paragraphs 0008-009; paragraphs 0083); means for collecting and maintaining IP addresses of the network appliances (See paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683); means for sending the UUN to the network appliances as messages (See paragraph 0078; paragraph 0604); means for receiving a reply to the UUN from at least one of the network appliances (See paragraph 0078; paragraph 0604); and means for providing the urgent update to the network appliances in response to the reply (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claim 30, Seshadri et al. teaches an apparatus for obtaining updates (See abstract; paragraph 0142; paragraph 0406), comprising: means for receiving a message (See paragraph 0078; paragraph 0604); means for determining when the message includes an UUN associated with an urgent update (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446), means for establishing a connection

Art Unit: 2164

with a server in response to when (See paragraph 005; paragraph 0013; paragraphs 0031-0033; paragraph 0075), means for pulling the urgent update from the server; and means for installing the urgent update (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claim 31, Seshadri et al. teaches a network appliance (See abstract; paragraph 0142; paragraph 0406), comprising:

a central processing unit (See 0677; paragraph 0682); and

at least one data storage (See abstract; paragraph 0007, where “data storage” is read on “database”);

wherein the central processing unit and the at least one data storage are configured to enable the network appliance to receive a message (See abstract; paragraph 0007; 0677; paragraph 0682), determine if the message includes an UUN associated with an urgent update (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446), establish a connection with a server and request the urgent update from the server in response to a determination that the message includes an UUN associated with an urgent update (See paragraph 0093), receive the urgent update from the server, and install the urgent update (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claim 34, Seshadri et al. teaches wherein the central processing unit and the at least one data storage are configured to determine if the message includes an

Art Unit: 2164

UUN associated with an urgent update, based on a format of the message (See paragraphs 0146; paragraph 0416; paragraph 0419).

As to claim 35, Seshadri et al. teaches an update server (See abstract; paragraph 0142; paragraph 0406), comprising:

a central processing unit (See 0677; paragraph 0682); and

at least one data storage (See abstract; paragraph 0007, where "data storage" is read on "database");

wherein the central processing unit and the at least one data storage are configured to enable the update server to determine an urgent update (See paragraph 0069; paragraph 0077; paragraphs 0118-0119; paragraph 0446), create an UUN associated with the urgent update (See paragraphs 0008-009; paragraphs 0083), collect and maintain IP addresses of the network appliances (See paragraphs 0008-009; paragraphs 0083); means for collecting and maintaining IP addresses of the network appliances (See paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683), send the UUN to the at least one of the network appliances as messages (See paragraph 0093), receive a reply to the UUN from at least one of the network appliances (See paragraph 0078; paragraph 0604) and provide the urgent update to the network appliances in response to the reply (See abstract; paragraph 00069; paragraphs 0077-0078; paragraphs 0118-0119; paragraph 0446; paragraph 0604).

As to claim 37, Seshadri et al. teaches wherein the urgent update comprises software for execution by the network appliances (See paragraph 0034; paragraph 0065; paragraph 0088).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-11, 19, 22, 24-27, 32-33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seshadri et al., (U.S. Patent Application Publication No. 2004/0002958), in view of Lewis et al., (U.S. Patent Application Publication No. 2004/0116119).

As to claims 8 and 25, Seshadri et al. does not teach wherein further comprising: collecting the IP addresses of the network appliances when the network appliances establish a connection to obtain updates; and storing the IP addresses in a log; wherein the update server is further configured to determine IP addresses associated with the network appliances when the network appliances connect to the update server for updates (Seshadri et al. does disclose location information and storing information on logs, however Lewis et al. discloses a more precise reference to IP addresses).

Lewis et al. teaches a wireless router system and method (See abstract), in which he teaches collecting the IP addresses of the network appliances when the network appliances establish a connection to obtain updates (See paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102); and storing the IP addresses in a log (See paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102); wherein the update server is further configured to determine IP addresses associated with the network appliances when the network appliances connect to the update server for updates (See paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Seshadri et al., to include wherein further comprising: collecting the IP addresses of the network appliances when the network appliances establish a connection to obtain updates; and storing the IP addresses in a log; wherein the update server is further configured to determine IP addresses associated with the network appliances when the network appliances connect to the update server for updates.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Seshadri et al., by the teachings of Lewis et al. because wherein further comprising: collecting the IP addresses of the network appliances when the network appliances establish a connection to obtain updates; and storing the IP addresses in a log; wherein the update server is further configured to determine IP addresses associated with the network appliances when the network

Art Unit: 2164

appliances connect to the update server for updates would push data items from a sending host system on any of a plurality of communication networks to a destination mobile device on any of a further plurality of similar or dissimilar wireless data communication networks located anywhere in the world (See Lewis et al., paragraph 0009).

As to claims 9 and 11, Seshadri et al., as modified, teaches wherein further comprising removing out-of-date IP addresses from the log (See Lewis et al., paragraph 0102; paragraph 0112; paragraph 0124; also See Seshadri et al., paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683); wherein the IP address is up-to-date (See Lewis et al., paragraph 0102; paragraph 0112; paragraph 0124; also See Seshadri et al., paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683).

As to claims 10 and 26, Seshadri et al., as modified, teaches wherein sending the UUN to the network appliances comprises sending a message with the UUN to each IP address in the log; wherein the update server is further configured to send the UUN to the IP addresses (See Lewis et al., paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; also see Seshadri et al., paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683).

As to claim 19, Seshadri et al., as modified, teaches obtaining updates from the server at pre-determined intervals (See Lewis et al., paragraph 0070).

As to claims 22 and 36, Seshadri et al., as modified, teaches wherein the update server is further configured to collect IP addresses of the network appliances in conjunction with periodic update requests, store the IP addresses in a log, and remove an IP address from the log when the IP address is out-of-date (See Lewis et al., paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; paragraph 0112; paragraph 0124; also see Seshadri et al., paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683); wherein the central processing unit and the at least one data storage are configured to enable the update server to collect IP addresses of the network appliances based on the messages generated by the network appliances, store the collected IP addresses, and remove out-of-date IP addresses from the at least one data storage (See Lewis et al., paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; paragraph 0112; paragraph 0124; also see Seshadri et al., paragraph 0014, where "IP address" is read on "location"; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683).

As to claim 24 Seshadri et al., as modified, teaches wherein the update server is further configured to enable the network appliances to connect to the update server and

Art Unit: 2164

to obtain updates (See Lewis et al., paragraph 0031).

As to claim 27, Seshadri et al., as modified, teaches wherein the update server is further configured to maintain a log that includes the updates (See Lewis et al., paragraph 0087; paragraph 0092; paragraphs 0096-0099; paragraph 0102; paragraph 0112; paragraph 0124; also see Seshadri et al., paragraph 0014, where “IP address” is read on “location”; paragraph 0123; paragraph 0574; paragraph 0599; paragraph 0601; paragraph 0683).

As to claim 32, Seshadri et al., as modified, teaches the central processing unit and the at least one data storage are configured to enable the network appliance to detect and remove exploits from messages (See Lewis et al., paragraphs 0096-0100); and the urgent update comprises software for execution by the network appliance (See Lewis et al., paragraph 0033; paragraph 0039; paragraph 0054).

As to claim 33, Seshadri et al., as modified, teaches wherein the network appliance comprises a message port arranged to receive messages, including messages comprising an UUN (See Seshadri et al., paragraph 0093; paragraph 0678; paragraph 0682).

Response to Arguments

12. Applicant's arguments filed on September 28, 2006, with respect to the rejected claims in view of the cited references have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 22, 2006

Application/Control Number: 10/611,365

Page 20

Art Unit: 2164

Mmc



SAM RIMELL
PRIMARY EXAMINER